

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7512 OF 2007
WITH
WRIT PETITION NO. 7513 OF 2007
WITH
WRIT PETITION NO. 7514 OF 2007.

Raakesh so Rajendra Kumar Agarwal Petitioner
V/s
State of Maharashtra & Ors.. Respondents.

Mr.S.P.Munghate, Adv. For the petitioner.

Mr.S.K.Chincholikar, AGP for the respondent Nos. 1 to 3.

Mr.S.G.Karandikar, Adv. For respondent No.4.

Mr.K.S.Dewal, Adv. For respondent Nos.5, 7 to 9 and 11.

CORAM: A.P.DESHPANDE, J.
24/10/07

PC:

The present writ petitions involve common question and hence same are heard together and are being disposed of by this common order. The petitioners claim to have entered into an agreement for purchase of the subject land with the respondents prior in point of time and an application was also moved under section 43 of the Bombay Tenancy Act for seeking permission of the Collector for transfer of the property by landlord in favour of the present petitioner. During pendency of the application moved by the landlord, landlord/respondents entered into an agreement with some other parties and thereafter the owner of the land yet again moved an application under section 43 of the act seeking

permission to transfer the property by sale in favour of subsequent purchasers. The Collector granted the permission in favour of the owner of the land to transfer the property by sale in favour of the subsequent purchasers. Aggrieved by the said order passed by the Collector under section 43 the petitioner has filed revision but as the Maharashtra Revenue Tribunal has not been reconstituted with a view to seek interim relief these petitions are filed as there does not exist any alternate efficacious remedy. Learned advocates appearing for the respondent have pointed out that the impugned permission granted by the Collector in favour of the owner of the land permitting sale in favour of subsequent purchasers has already been acted upon and sale deeds are executed. It is also stated that pursuant to the sale deeds mutation entries are also made in the revenue records and thus the submission is that there remains nothing which could be stayed. Besides this the petitioner has also filed a suit for specific performance of the contract and the same is pending the civil court. As the impugned permission granted by the SDO is already acted upon nothing survives to be stayed. The learned Additional Government Pleader submits that the Maharashtra Revenue Tribunal is to be reconstituted within $\frac{3}{4}$ month from today and the Tribunal would thus soon be available for deciding the revision filed by the petitioner which is pending. In this view of the matter I do not see any reason to entertain these writ petitions. Hence writ petitions are summarily dismissed. Civil applications do not survive in view of disposal of writ petitions.

24.10.07